

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

HENRY FORD WILLIAMS

v.

JEWEL STEELE, et al.

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NO: 3:12-1039

ORDER


The pro se and in forma pauperis plaintiff in this prisoner civil rights case has submitted to the Clerk a completed service packet (a summons and a USM 285 form) for service of process upon “D. Anthony Pender.” However, the only individuals clearly named as defendants in the complaint are Jewel Steel and Robert Burns, and these were the only two defendants against whom the Court, in conducting the initial frivolity review of the action under 28 U.S.C. § 1915A, construed the complaint as having stated arguable claims. See Order entered November 29, 2012 (Docket Entry No. 19). Further, although D. Anthony Pender is mentioned as being an inmate legal advisor in the prayer for relief in the complaint, see Docket Entry No. 1, at 5, this cursory reference cannot be even liberally construed as stating a legal claim under 42 U.S.C. § 1983. Furthermore, a defendant sued under Section 1983 must act “under color of state law. Prison inmates do not act under color of state law and, thus, the plaintiff cannot sue another inmate under Section 1983.

Accordingly, the Clerk is directed to not issue service of process to this person and to return the service packet to the plaintiff.

Any party desiring to appeal this Order may do so by filing a motion for review no later than fourteen (14) days from the date this Order is served upon the party. The motion for review must

be accompanied by a brief or other pertinent documents to apprise the District Judge of the basis for appeal. See Rule 72.02(b) of the Local Rules of Court.

So ORDERED.



JULIET GRIFFIN
United States Magistrate Judge